

February 1, 2005

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby - TW - A325
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Petition for Rule Making
Llano, Texas (Channel 297A)

Dear Ms. Dortch:

Enclosed is an original and four (4) copies of my
Petition for Rule Making for the new allotment, Channel
297A, at Llano, Texas.

Respectfully submitted,

A handwritten signature in cursive script, reading "Linda Crawford".

Linda Crawford
3500 Maple Ave., #1320
Dallas, Texas 75219
(214) 289-5333 Tele

LlanoR Cover

074
05-09
MB

Handwritten notations and stamps. At the top right is "074". Below it is a stamp that says "No. of Copies" followed by "074" and "Listed Below". Below the stamp is "05-09" and at the bottom is "MB".

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FCC-MAILROOM

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of 73.202 (b)) MB Docket No. _____
Table of Allotments)
FM Broadcast Stations)
(Llano, Texas))

To: John Karousos, Assistant Chief
Audio Division of the
Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 C.F.R. 1.401, Linda Crawford
respectfully petitions the FCC to institute a Rule Making
proceeding to amend the FM Table of Allotments to add
Channel 297A at Llano, Texas.

DISCUSSION

Petitioner respectfully submits that the public
interest would be served by allocating Channel 297A to
Llano, Texas as that community's third competing commercial
FM service. Llano, Texas is an incorporated community
with a population of 3,325 people.¹ Llano has its own
mayor, post office, independent school system, fire
department, city offices and a number of local churches.

¹ Source, Texas Almanac 2002/2003

Llano is a community that is certainly deserving of a third competing commercial FM service. The proposed channel 297A will provide additional diversity and an outlet for local self-expression to Llano residents and therefore is in the public interest.

In order for Channel 297A to be allotted to Llano, the reference coordinates for the vacant allotment at Junction, Texas will need to be moved approximately 10.79 km southwest.

The proposed changes are:

	<u>Current</u>	<u>Proposed</u>
Llano, TX	-----	297A
Junction, TX	297A	297A ²

Attached hereto is a channel study confirming that Channel 297A can be allocated to Llano, Texas, consistent with the FCC's FM separation rules provided the change is made at Junction. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment A) Note: the counterproposal to add channel 297A at Llano, Texas was dismissed by Report & Order, DA 03-1533, released May 8, 2003, an effective but not yet final dismissal.

(See, Attachment B) Also note: the petition to add Channel 297A at Goldthwaite was dismissed by Report & Order, DA 04-734, released 3/19/04, also, an effective but

² Proposed new reference coordinates for the vacant allotment at Junction, Texas are: 30 24 15/ 99 51 45.

not yet final dismissal. (See, Attachment C) And finally, the petition to add Channel 297C1 at Rocksprings, Texas, filed by Gospel+Jazz Radio Company on November 16, 2004 is of no consequence as it is clearly defective with preclusions to a number of vacant allotments and also to KSJT fm, Channel 298C1 at San Angelo, Texas. (See, Attachment D)

Reference coordinates for 297A at Llano, Texas are:

30 46 00 N
98 44 15 W

In order for Channel 297A to be allotted to Llano, Texas, the reference coordinates for Channel 297A, the vacant allotment at Junction, Texas, must be moved approximately 10.79 km southwest. Attached hereto is a channel study confirming that the reference coordinates for Channel 297A at Junction, Texas can be moved 10.79 km southwest consistent with the FCC's FM separation rules and still provide city grade coverage to the community of Junction, Texas. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment E) New reference coordinates for 297A at Junction, Texas are:


30 24 15 N
99 51 45 W

Should this petition be granted and Channel 297A is

allotted to Llano, Texas, Petitioner will apply for Channel 297A at Llano and after it is authorized, will promptly construct the new facility.

The factual information provided in this Petition for Rule Making is correct and true to the best of my knowledge.

Respectfully submitted,


Linda Crawford
3500 Maple Ave., #1320
Dallas, Texas 75219
(214) 289-5333 Tele

cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite 600, 1050 17th Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, fax (301) 762-0156, attorney for Linda Crawford. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies to Mr. Bechtel as well as Ms Crawford.

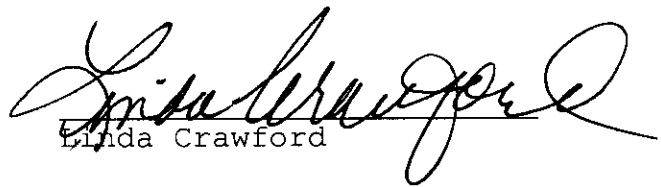
February 1, 2005

LlanoK

CERTIFICATE OF SERVICE

I, Linda Crawford, hereby certify that on this 1st day of February, 2005, I caused copies of the foregoing "Petition for Rule Making for Llano, Texas" to be placed in the U.S Postal Service, first class postage prepaid, addressed to the following person:

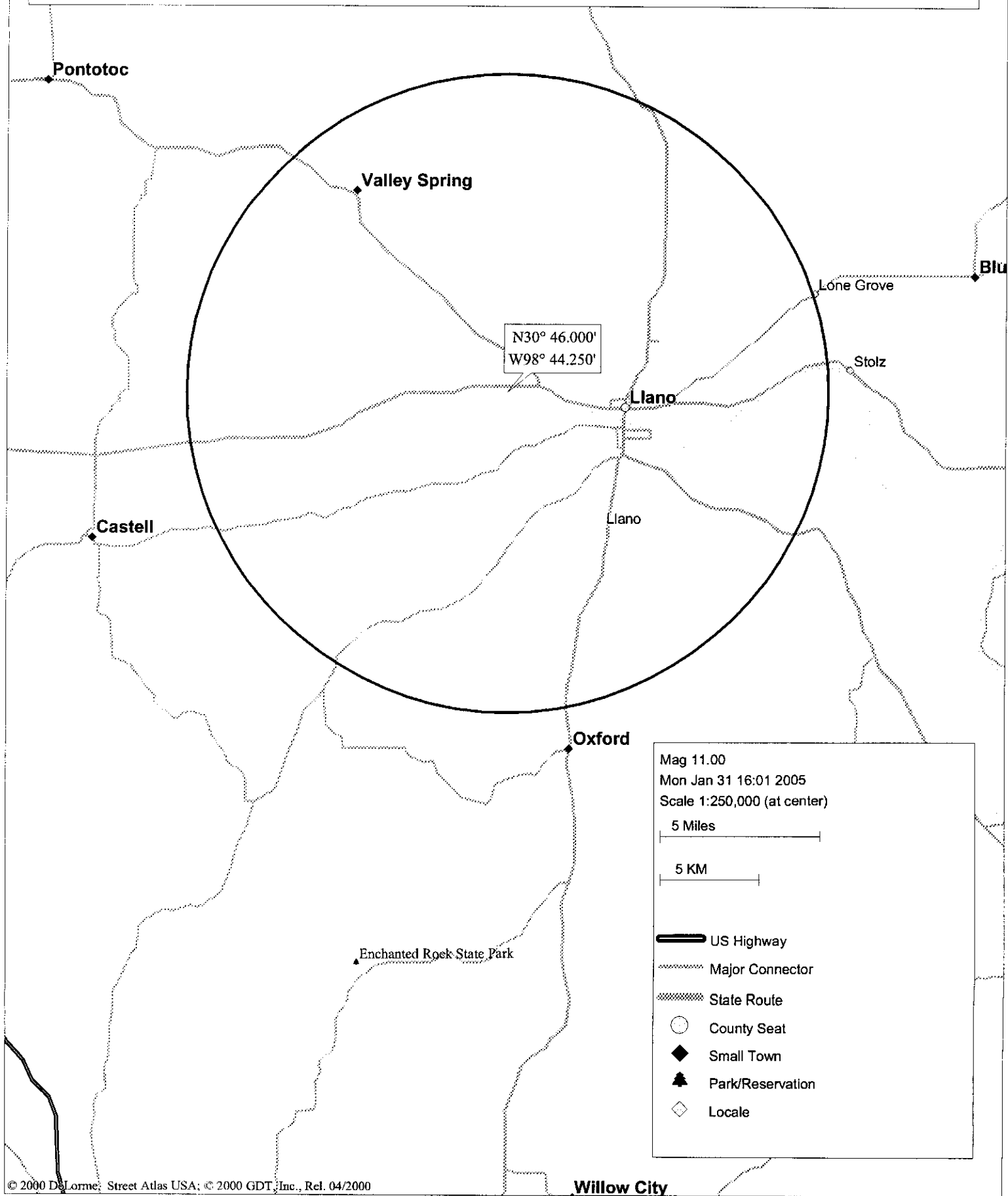
John W. Davis, President
Gospel+Jazz Radio Company
4600 Nervin Street
The Colony, Texas 75056
(Petitioner for Channel 297C1 at Rocksprings, TX)


Linda Crawford

Attachment A

(Channel Study for Channel 297A at Llano, Texas)

Llano, TX CH 297A 70 dBu



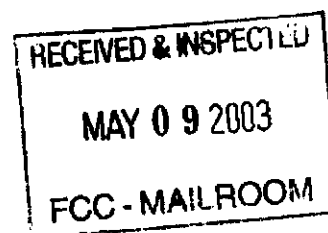
Attachment B

(Report & Order, DA 03-1533, dismissing the proposed
Channel 297A at Llano, Texas)

Before the
Federal Communications Commission
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 00-148
Table of Allotments,)	RM-9939
FM Broadcast Stations.)	RM-10198
(Quanah, Archer City, Converse, Flatonia,)	
Georgetown, Ingram, Keller, Knox City,)	
Lakeway, Lago Vista, Llano, McQueeney,)	
Nolanville, San Antonio, Seymour, Waco and)	
Wellington, Texas, and Ardmore, Durant,)	
Elk City, Healdton, Lawton and Purcell,)	
Oklahoma.)		



REPORT AND ORDER
(Proceeding Terminated)

Adopted: May 7, 2003

Released: May 8, 2003

By the Chief, Audio Division:

1. The Audio Division has before it a *Notice of Proposed Rule Making* in the captioned proceeding.¹ Nation Wide Radio Stations filed Comments and Reply Comments. First Broadcasting Company, L.P., Rawhide Radio, L.L.C., Next Media Licensing, Inc., Capstar TX Limited Partnership and Clear Channel Broadcast Licenses, Inc. ("Joint Parties") filed a Counterproposal and Reply Comments. Fritz Broadcasting Co., Inc. and M&M Broadcasters, Ltd. filed Joint Reply Comments. Elgin FM Limited Partnership and Charles Crawford ("Elgin-Crawford") jointly filed Reply Comments and Maurice Salsa filed Reply Comments.² For the reasons discussed below, we are dismissing both the initial proposal for Channel 233C3 at Quanah, Texas, and the Counterproposal.

Background

2. At the request of Nation Wide Radio Stations, the *Notice* in this proceeding proposed the allotment of Channel 233C3 to Quanah, Texas.³ In response to the *Notice*, the Joint Parties filed a Counterproposal involving twenty-two communities in Texas and Oklahoma. In one aspect of this Counterproposal, the Joint Parties propose the substitution of Channel 248C for Channel 248C2 at Durant, Oklahoma, reallocation of Channel 248C to Keller, Texas, and modification of the Station KLAJ license to specify operation on Channel 248C at Keller, Texas. In order to accommodate this allotment, the Joint Parties propose three channel substitutions. Included among those substitutions was the

¹ 15 FCC Rcd 15809 (MM Bur. 2000).

² In this proceeding, Texas Grace Communications, Elgin FM Limited Partnership, Charles Crawford, Maurice Salsa, M&M Broadcasters, AM&FM Broadcasters and the Joint Parties have filed additional pleadings. In view of our action dismissing the Joint Parties Counterproposal, it will not be necessary to discuss these pleadings in the context of this *Report and Order* terminating this proceeding.

³ Nation Wide Radio Stations has withdrawn its expression of interest in this allotment. In accordance with Section 1.420(j) of the Rules, Nationwide Radio Stations states that neither it nor any of its principals have been paid or promised any consideration for the withdrawal of its expression of interest in the Quanah allotment.

7. In the event that its Counterproposal can not be favorably entertained, the Joint Parties advance two alternative proposals. The staff no longer entertains alternative proposals set forth in counterproposals.⁸ In any event, each of these alternatives fails to comply with our rules and procedures. The first proposal involves the proposal to reallocate Channel 248C to Keller, Texas, and modify the Station KLAQ license to specify operation on Channel 248C at Keller. A Channel 248C allotment at Keller requires the substitution of Channel 230C1 at Archer City, and thus, cannot be considered. The second alternative only proposes the substitution of Channel 247C1 for Channel 248C at Waco, Texas, reallocation of Channel 247C1 to Lakeway, Texas, and modification of the Station KWTX license to specify operation on Channel 247C1 at Lakeway. The Joint Parties also proposed related channel substitutions necessary to accommodate this reallocation. However, none of these proposed channel substitutions conflict with the underlying Channel 233C3 allotment at Quanah, Texas, proposed in the *Notice*.

8. Accordingly, IT IS ORDERED, That the aforementioned proposal filed by Nation Wide Radio Stations for a Channel 233C3 allotment at Quanah, Texas, IS DISMISSED.

9. IT IS FURTHER ORDERED, That the aforementioned Counterproposal filed by the Joint Parties IS DISMISSED.

10. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

11. For further information concerning this proceeding, contact Robert Hayne, Media Bureau, (202) 418-2177.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle
Chief, Audio Division
Media Bureau

⁸ See *Winslow, Camp Verde, Mayer and Sun City West, Arizona*, 16 FCC Rcd 9551 (MM Bur. 2001).

substitution of Channel 230C1 for Channel 248C1 at Archer City, Texas, and the modification of the Station KRZB permit to specify operation on Channel 230C1. On the basis of our own engineering review, Joint Reply Comments filed by Fritz Broadcasting Co., Inc. and M&M Broadcasters, Ltd., and Reply Comments filed by Maurice Salsa, the proposed transmitter site (33-36-58 and 98-51-42) for the Channel 230C1 allotment at Archer City is short-spaced to a prior-filed application filed by AM & FM Broadcasters, LLC, licensee of Station KICM, Channel 229C2, Krum, Texas, to upgrade to Channel 229C1 (File No. BMPH-20000725AAZ) (the "KICM Class C1 Application").

3. Counterproposals that are in conflict with a previously filed application can be considered if the counterproposal is amended to remove the conflict within 15 days from the date the counterproposal appears on public notice.⁴ The Note also requires a counterproponent to show that it could not have known by exercising due diligence of the pending conflicting FM application. The Joint Parties and AM & FM Broadcasters submitted Reply Comments addressing this issue. Under the agreement, AM & FM Broadcasters agrees to file an application to downgrade Station KICM to Channel 229C2 in the event its application is granted and the Counterproposal is adopted. Pursuant to the agreement, the Joint Parties would "compensate" AM & FM Broadcasters for the downgrade of Station KICM. On August 20, 2001, the staff granted the KICM Class C1 Application.

Discussion

4. We dismiss the Counterproposal because the proposed Archer City Channel 230C1 allotment is short-spaced to the KICM Class C1 construction permit. The Joint Parties have not shown that they could not have known about the then-conflicting KICM Application. Nor have the Joint Parties sought to amend their Counterproposal to protect the proposed Archer City Channel 230C1 allotment.

5. The Commission does not entertain a short-spaced allotment that is contingent on the grant of another application.⁵ This is precisely what the Joint Parties seek. The Archer City allotment is short-spaced to the KICM construction permit and contingent on the staff granting future applications by AM & FM Broadcasters for both a Class C2 construction permit and license. We reject Joint Parties argument that its downgrade proposal complies with the contingent application procedures set forth in Section 73.3517(e) of the Commission's Rules. Section 73.3517(e) permits the simultaneous acceptance of contingent *minor change applications*. It does not authorize the filing of contingent rulemaking petitions. Accordingly, the Counterproposal must be dismissed.

Alternative Proposals

6. The Joint Parties filed an alternative twelve-allotment proposal in anticipation of a staff determination that the Channel 230C1 Archer City allotment is impermissibly short-spaced to the KICM permit. We reject this alternative. A counterproposal must conflict with the proposal set forth in the *Notice*.⁶ In this instance, none of these proposals conflict with Nation Wide Radio Station's initial proposal for a Channel 233C3 allotment at Quanah. As such, we will not bifurcate the Counterproposal or otherwise consider any of these proposals in the context of this proceeding.⁷

⁴ See Note to Section 73.208 of the Rules; see also *Conflicts Between Applications and Petitions for Rule Making to Amend the FM Table of Allotments*, 8 FCC Rcd 4743 (1993).

⁵ See *Oxford and New Albany, Mississippi*, 3 FCC Rcd 615 (MM Bur. 1988), *recon.* 3 FCC Rcd 6626 (MM Bur. 1988); see also *Cut and Shoot, Texas*, 11 FCC Rcd 16383 (MM Bur. 1996).

⁶ See *Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments*, 5 FCC Rcd 931, n. 5 (1990).

⁷ See also *Broken Arrow and Bixby, Oklahoma, Coffeyville, Kansas*, 3 FCC Rcd 6507 (MM Bur. 1988).

Attachment C

(Report & Order, DA 04-734, dismissing the proposed Channel 297A at Goldthwaite, Texas)

DOCKET FILE COPY ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),)
FM Table of Allotments,) MM Docket No. 01-154
FM Broadcast Stations,) RM-10163
(Goldthwaite, Texas))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: March 17, 2004

Released: March 19, 2004

By the Assistant Chief, Audio Division:

1. Before the Audio Division is the *Notice of Proposed Rule Making* ("Notice"),¹ issued in response to a Petition for Rule Making filed by Charles Crawford ("Petitioner"), proposing the allotment of Channel 297A to Goldthwaite, Texas, as that community's first local aural transmission service. Petitioner filed supporting comments in response to the *Notice*. First Broadcasting Company, L.P., Next Media Licensing, Inc., Rawhide Radio, L.L.C., Capstar TX Limited Partnership and Clear Channel Broadcasting Licenses, Inc. ("Joint Parties") filed comments to which Petitioner responded.² No counterproposals or other comments were filed in this proceeding.

2. In a separate proceeding in MM Docket No. 00-148, we issued a *Notice of Proposed Rule Making* proposing the allotment of Channel 233C3 to Quanah, Texas in which the deadline for filing comments and counterproposals was October 10, 2000.³ The Joint Parties filed a timely counterproposal in that proceeding that included a proposal to allot Channel 297A at Llano, Texas that is mutually exclusive with the present proposal to allot Channel 297A at Goldthwaite.⁴ The petition for rule making requesting Channel 297A at Goldthwaite, Texas, however, was filed on May 18, 2001, more than six months after the deadline for counterproposals in MM Docket No. 00-148.⁵

¹ *Goldthwaite, Texas*, 16 FCC Rcd 13927 (MMB 2001).

² Petitioner's reply comments reference comments filed in various rule making proceedings that conflicts with a counterproposal filed by the Joint Parties in MM Docket No. 00-148. The comments consist of the petitioning party's reply comments, the Joint Parties motion to strike, and an opposition thereto. However, any purported deficiency in the Joint Parties counterproposal will be considered in the context of MM Docket No. 00-148.

³ See *Quanah, Texas*, 15 FCC Rcd 15809 (MMB 2000).

⁴ The communities are 83.4 kilometers apart whereas a minimum distance of 115 kilometers is required between Class A co-channel allotments.

⁵ When the *Notice of Proposed Rule Making* in this proceeding was issued, the staff was unaware of the mutual exclusivity between the Goldthwaite proposal and the proposal for Channel 297A at Llano, Texas in MM Docket No. 00-148 because the staff had not entered all of the proposals identified in MM Docket No. 00-148, including (continued....)

Accordingly, we are dismissing the Goldthwaite proposal as untimely.⁶ In the event the Joint Parties' counterproposal is ultimately dismissed or Channel 297A at Llano, Texas, is not allotted in the *Quanah, Texas* proceeding, Petitioner may re-file the proposal for Channel 297A at Goldthwaite, Texas.

7. Accordingly, IT IS ORDERED, That the Petition for Rule Making filed on May 29, 2001, by Charles Crawford, proposing the allotment of Channel 297A at Goldthwaite, Texas, IS DISMISSED.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning the above, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

(Continued from previous page)

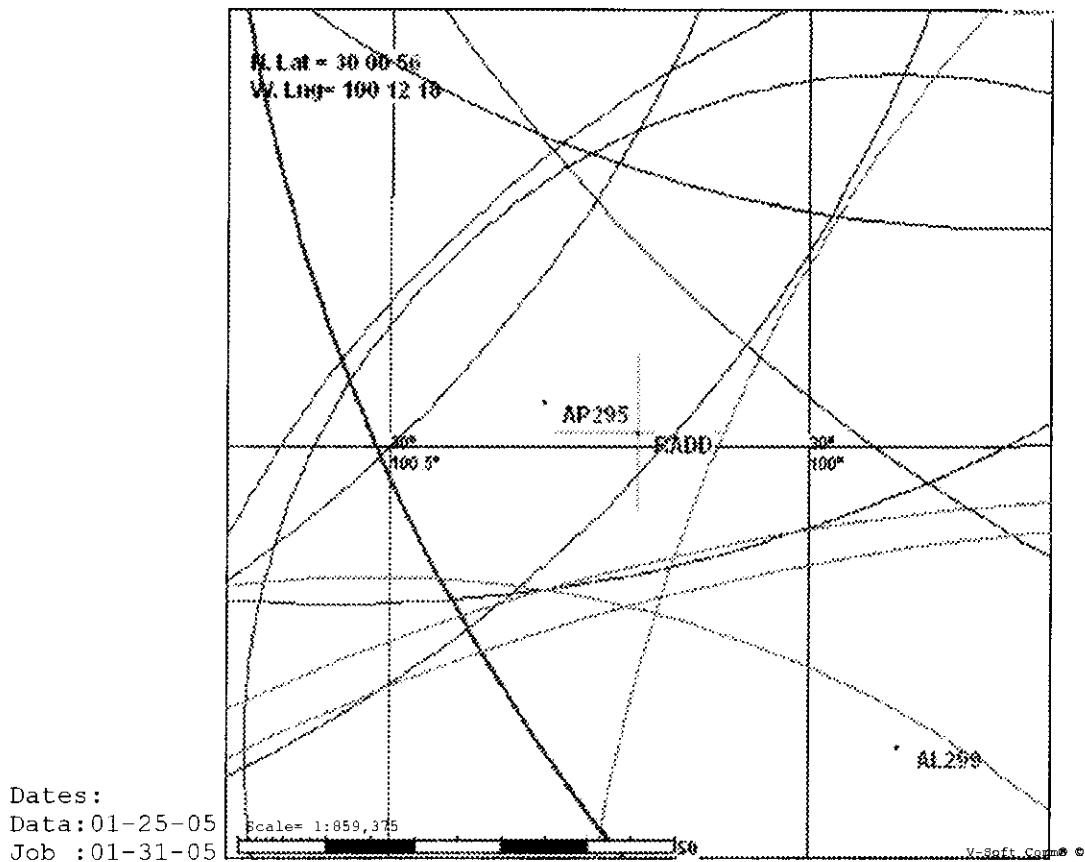
the Llano, Texas proposal into the data base at that time. If the Llano proposal was entered into the database at that time, Petitioner's petition for rule making requesting the allotment of Channel 297A at Goldthwaite, Texas would have been returned unacceptable for filing.

⁶ See *Benjamin and Mason, Texas*, 19 FCC Rcd 470 (2004) and *Pinewood, South Carolina*, 5 FCC Rcd 7609 (1990).

Attachment D

(Channel Study for Channel 297C1 at Rocksprings, Texas)

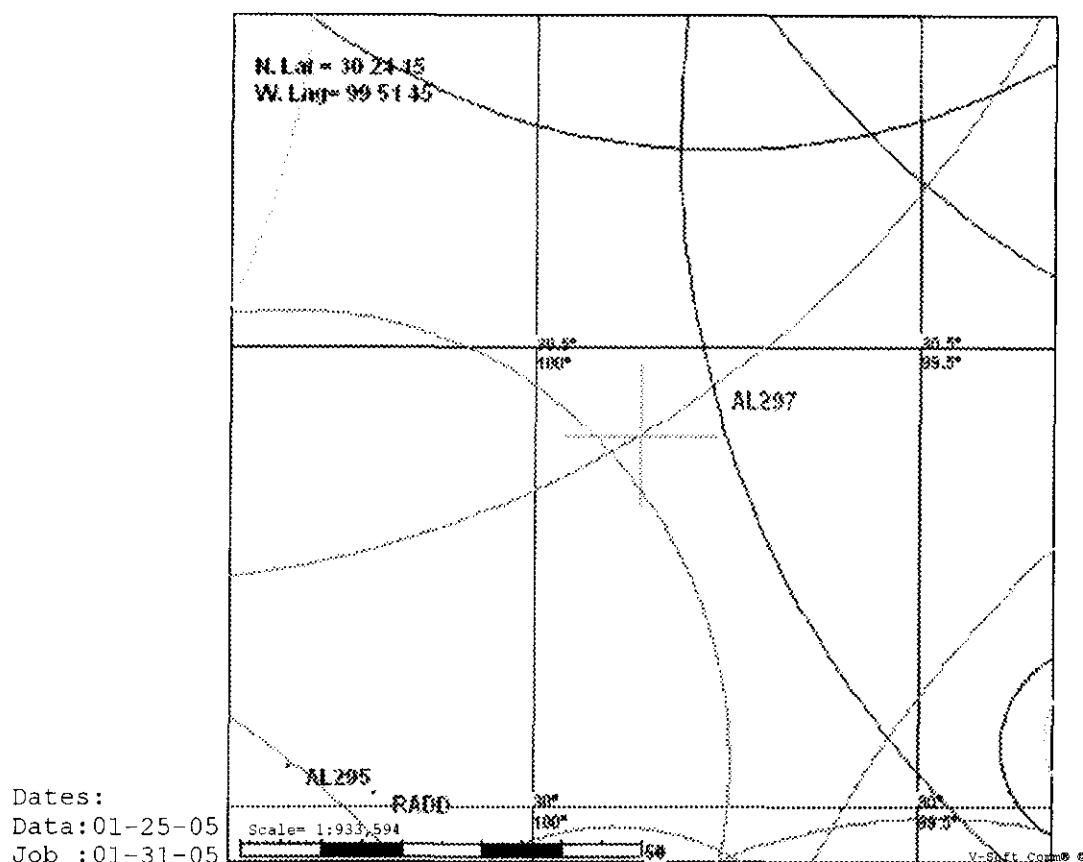
FM PROSP^(TM) LOCATE STUDY CH 297 C1 107.3 MHz



Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
RADD	297C1	ADD	Rocksprings	TX	0.00	0.0	245.0	-245.00
AL297	297A	VAC	Junction	TX	64.53	40.4	200.0	-135.47
ALLO.	297A		Ciudad Acuna	CI	103.85	222.6	196.0	-92.15
AL295	295C2	VAC	Rocksprings	TX	11.27	287.3	79.0	-67.73
AP295	295C2	APP	Rocksprings	TX	11.27	287.3	79.0	-67.73
AL296	296A	VAC	Sabinal	TX	102.56	137.0	133.0	-30.44
AL299	299A	VAC	Leakey	TX	46.12	139.5	75.0	-28.88
RADD	297A	ADD	Llano	TX	172.29	62.2	200.0	-27.71
KSJTFM	298C1	LIC	San Angelo	TX	161.62	347.6	177.0	-15.38
AL296	296C2	VAC	Big Lake	TX	154.72	312.8	158.0	-3.28
RDEL	296C2	DEL	Big Lake	TX	154.72	312.8	158.0	-3.28
KXTNFM	298C0	LIC	San Antonio	TX	205.06	113.2	196.0	9.06
ALLO.	297B		Nuevo Laredo	TA	284.36	167.1	270.0	14.36
RADD	297A	ADD	Goldthwaite	TX	215.40	40.8	200.0	15.40
XHGTSF	297B	OPE	Nuevo Laredo	TA	288.48	166.2	270.0	18.48
ALLO.	296A		Piedras Negras	CI	148.24	191.8	129.0	19.24
XHPNSF	296A	OPE	Piedras Negras	CI	148.24	191.8	129.0	19.24
RADD	296C2	ADD	Big Lake	TX	177.55	310.0	158.0	19.55
RADD	296C3	ADD	Paint Rock	TX	172.17	14.1	144.0	28.17
RADD	294A	ADD	Eden	TX	129.93	10.7	75.0	54.93
RADD	243C3	ADD	Kerrville	TX	90.27	86.2	24.0	66.27
ALLO.	300B		Piedras Negras	CI	148.24	191.8	79.0	69.24
AP243	243A	APP	Ingram	TX	93.78	85.7	22.0	71.78
RDEL	243A	DEL	Ingram	TX	93.78	85.7	22.0	71.78
AL243	243A	VAC	Ingram	TX	93.78	85.7	22.0	71.78
XHPCFM	300B	OPE	Piedras Negras	CI	151.19	192.9	79.0	72.19

Attachment E

(Channel Study for Channel 297A at Junction, Texas)

FM PROSP^(TM) LOCATE STUDY CH 297 A 107.3 MHz


Dates:
Data: 01-25-05
Job : 01-31-05

Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
RADD	297C1	ADD	Rocksprings	TX	54.25	217.4	200.0	-145.75
AL297	297A	VAC	Junction	TX	10.79	56.6	115.0	-104.21
KSJTFM	298C1	LIC	San Angelo	TX	133.22	329.7	133.0	0.22
AP295	295C2	APP	Rocksprings	TX	59.09	227.7	55.0	4.09
AL295	295C2	VAC	Rocksprings	TX	59.09	227.7	55.0	4.09
RADD	297A	ADD	Llano	TX	125.22	73.0	115.0	10.22
RADD	296C3	ADD	Paint Rock	TX	124.17	4.4	89.0	35.17
RADD	297A	ADD	Goldthwaite	TX	161.29	42.2	115.0	46.29
KXTNFM	298C0	LIC	San Antonio	TX	198.81	128.8	152.0	46.81
AL299	299A	VAC	Leakey	TX	78.18	182.3	31.0	47.18
AL296	296A	VAC	Sabinal	TX	123.72	162.8	72.0	51.72
AL296	296C2	VAC	Big Lake	TX	159.19	293.0	106.0	53.19
RDEL	296C2	DEL	Big Lake	TX	159.19	293.0	106.0	53.19
RADD	294A	ADD	Eden	TX	84.95	354.4	31.0	53.95
RADD	243C3	ADD	Kerrville	TX	68.21	123.4	12.0	56.21
ALLO.	297A		Ciudad Acuna	CI	157.95	220.9	100.0	57.95
AL243	243A	VAC	Ingram	TX	70.57	121.1	10.0	60.57
AP243	243A	APP	Ingram	TX	70.57	121.1	10.0	60.57
RDEL	243A	DEL	Ingram	TX	70.57	121.1	10.0	60.57
AP243	243A	APP N	Ingram	TX	77.73	121.2	10.0	67.73

Junction, TX CH 297A 70 dBu

